

**SUPREME COURT MINUTES  
WEDNESDAY, SEPTEMBER 29, 2004  
SAN FRANCISCO, CALIFORNIA**

**S027766**

PEOPLE v. COLE (STEPHEN)  
Rehearing denied

George, C.J., was absent and did not participate.

**S067491**

SEATON (RONALD) ON H.C.  
Opinion modified (no change in judgment); rehearing  
denied

Opinion modified.  
Petition for rehearing DENIED.

George, C.J., was absent and did not participate.

**S115438**

A093759 First Appellate District,  
Division Three

PEOPLE v. BARKER (DONALD)  
Modification of opinion and rehearing denied

Request for modification denied.  
Petition for rehearing denied.

Kennard, J., is of the opinion the petition should  
be granted.  
George, C.J., was absent and did not participate.

**S126773**

B159750 Second Appellate District,  
Division Two

PEOPLE v. SALAS (JAVIER O.)  
Petition for review granted

George, C.J., was absent and did not participate.  
Votes: Kennard, Baxter, Werdegarr, Chin, and  
Moreno, JJ.

**S118052**

F037501 Fifth Appellate District

PEOPLE v. THOMAS, JR. (ALONZA R.)  
Additional issues ordered

The parties are directed to brief the following  
additional issue: Does Penal Code section  
1170.19, subdivision (a)(4), insofar as it requires  
the prosecutor's consent to a juvenile court  
disposition, violate the separation of powers  
doctrine?

The parties are directed to file simultaneous

supplemental letter briefs on this question on or before October 20, 2004. Simultaneous reply brief may be filed on or October 27, 2004.

George, C.J., was absent and did not participate.

**S126892**

B168750 Second Appellate District,  
Division Six

PEOPLE v. NARRO (MARCEL M.)

Review granted/briefing deferred

Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Lopez*, S119294 (see Cal. Rules of Court, rule 28.2(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 29.1, is deferred pending further order of the court.

George, C.J., was absent and did not participate.  
Votes: Brown, A.C.J., Kennard, Baxter,  
Werdegar, Chin, and Moreno, JJ.

**S127097**

B176810 Second Appellate District,  
Division Six

SANTA BARBARA, CITY OF v. S.C. (JANEWAY)

Review granted; transferred to CA 2/6 to issue OSC

The matter is transferred to the Court of Appeal, Second Appellate District, Division Six, with directions to vacate its order denying mandate and to issue an order directing respondent superior court to show cause why the relief sought in the petition should not be granted.

George, C.J., was absent and did not participate.  
Votes: Kennard, Baxter, Werdegar and  
Chin, JJ.

**S067491**

SEATON (RONALD) ON H.C.

Petition for writ of habeas corpus denied (AA)

The petition for writ of habeas corpus is denied on the merits.

The following claims are also denied on the ground that they were raised and rejected on appeal (*In re Waltreus* (1965) 62 Cal.2d 218, 225), except for petitioner's allegations in these

claims that his trial counsel was ineffective: Claims I.C., III.A., V.D., V.F., X.A., X.B., X.C., X.E., XII.A., XII.C., XII.D., XII.E., XII.F., XII.G., XII.H., XII.I., XII.J., XII.K., XII.L., XIV.A., XIV.B., XIV.C., XIV.E., XIV.F., XV. Also denied under *Waltreus* are petitioner's allegations, in claim I.B., that the prosecutor committed misconduct in not disclosing to the defense that he knew Dr. De Witt Hunter's testimony was false and misleading, that he knew Dr. Hunter's procedures were sloppy and careless, that he misrepresented testimony pertaining to the two-beating theory in closing argument, and that he resurrected his theory that the murder was premeditated and deliberate after telling the trial court he was abandoning it.

The following claims are also denied on the ground that they could have been, but were not, raised on appeal (*In re Dixon* (1953) 41 Cal.2d 756, 759): Petitioner's allegation in claim V.B. that the hardship screening procedure violated various constitutional and statutory rights; and his allegation in claim XIV.D. that to persuade the jury to return a verdict of death the prosecutor used "false impressions" and "racially biased images."

The following claims are also denied on the ground that they were forfeited by petitioner's failure to raise them in the trial court (*In re Seaton* (Aug. 23, 2004) \_\_ Cal.4th \_\_), except for petitioner's allegations in these claims that his trial counsel was ineffective: Claims II.A., to the extent it alleges that the prosecutor's decision to seek the death penalty was based on a lack of guidelines in the district attorney's office; II.B.; II.C.; V.A; and the allegation, in claim I.B., that the prosecutor misrepresented certain statements made by Thelma Garrett to the police after the murder. Werdegarr, J., would deny each of these claims solely on the merits.

Brown, J., would deny the entire petition solely on the merits.

George, C.J., was absent and did not participate.

**S126116**  
B167180 Second Appellate District,  
Division Four

WEINBERG v. CEDARS-SINAI MEDICAL CENTER  
Petition for review & depublication request denied

George, C.J., was absent and did not participate.

**S126346**  
B175909 Second Appellate District,  
Division One

DAWSON (DARRYL) ON H.C.  
Petition for review denied

George, C.J., was absent and did not participate.

**S126366**  
F045830 Fifth Appellate District

WILSON (JACK ALLEN) ON H.C.  
Petition for review denied

George, C.J., was absent and did not participate.

**S126386**  
B166213 Second Appellate District,  
Division Seven

SCHLESSINGER v. HOLLAND AMERICA, N.V.  
Petition for review denied

George, C.J., was absent and did not participate.

**S126394**  
F045692 Fifth Appellate District

SIMPSON (LAURINCE O.) ON H.C.  
Petition for review denied

George, C.J., was absent and did not participate.  
Baxter, J., was recused and did not participate.

**S126414**  
B174055 Second Appellate District,  
Division Eight

THOMAS (BRIAN W.) ON H.C.  
Petition for review denied

George, C.J., was absent and did not participate.  
Brown, J., was recused and did not participate.

**S126415**  
B176176 Second Appellate District,  
Division Two

BLANKENSHIP (BENNIE) ON H.C.  
Petition for review denied

George, C.J., was absent and did not participate.  
Brown, J., was recused and did not participate.

**S126425**  
A103394 First Appellate District,  
Division Five

SCHWEDE v. BARRETT  
Petition for review denied

George, C.J., was absent and did not participate.

**S126436**  
B176072 Second Appellate District,  
Division Three

SANCHEZ (FERNANDO) ON H.C.  
Petition for review denied

George, C.J., was absent and did not participate.  
Brown, J., was recused and did not participate.

**S126439**  
B176163 Second Appellate District,  
Division Two

CLAY (ELIJAH) ON H.C.  
Petition for review denied

George, C.J., was absent and did not participate.  
Brown, J., was recused and did not participate.

**S126510**  
B174926 Second Appellate District,  
Division Four

JACKSON v. WCAB (DELTA AIRLINES)  
Petition for review denied

George, C.J., was absent and did not participate.

**S126602**  
F042905 Fifth Appellate District

PEOPLE v. JOHNSON  
Petitions for review denied

George, C.J., was absent and did not participate.

**S126634**  
C042165 Third Appellate District

PEOPLE v. TAYLOR  
Petition for review denied

George, C.J., was absent and did not participate.

**S126640**  
B176603 Second Appellate District,  
Division Seven

HAMMOND v. S.C. (PEOPLE)  
Petition for review denied

George, C.J., was absent and did not participate.

**S126641**  
B176327 Second Appellate District,  
Division Two

MONTANO v. S.C. (PEOPLE)  
Petition for review denied

The request for judicial notice denied.  
George, C.J., was absent and did not participate.

**S126648**  
H026204 Sixth Appellate District

SHAEV v. CLAFLIN  
Petition for review denied

George, C.J., was absent and did not participate.

**S126649**  
D043080 Fourth Appellate District,  
Division One

PEOPLE v. DELACRUZ  
Petition for review denied

George, C.J., was absent and did not participate.

**S126665**  
D044432 Fourth Appellate District,  
Division One

KOHLER COMPANY v. S.C. (OSTROFF)  
Petition for review denied

George, C.J., was absent and did not participate.

**S126702**  
D041686 Fourth Appellate District,  
Division One

MILLS v. FIRST UNION NATIONAL BANK  
Petition for review denied

George, C.J., was absent and did not participate.  
Baxter, J., and Chin, J., were recused and did not  
participate.

**S126716**  
B176632 Second Appellate District,  
Division Seven

NGUYEN (ARNOLD) ON H.C.  
Petition for review denied

George, C.J., was absent and did not participate.

**S126727**  
E033645 Fourth Appellate District,  
Division Two

PEOPLE v. O'BANNON  
Petition for review denied

Petitions for review denied without prejudice to  
any relief to which defendant might be entitled  
after this court determines in *People v. Black*,  
S126182, and *People v. Towne*, S125677, the  
effect of *Blakely v. Washington* (2004) \_\_\_  
U.S. \_\_\_ S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

**S126729**  
A096017 First Appellate District,  
Division One

PEOPLE v. ANDERSON  
Petition for review denied

George, C.J., was absent and did not participate.

**S126730**  
A105532 First Appellate District,  
Division One

ANDERSON (CURTIS DEAN) ON H.C.  
Petition for review denied

George, C.J., was absent and did not participate.

**S126750**

B160217 Second Appellate District,  
Division Three

PEOPLE v. CARRIER

Petition for review denied

George, C.J., was absent and did not participate.

**S126766**

B176441 Second Appellate District,  
Division Six

STEPANIAN v. S.C. (AGUILERA)

Petition for review denied

George, C.J., was absent and did not participate.

**S126768**

B165670 Second Appellate District,  
Division Six

IN RE G. (ANNA)

Petition for review denied

George, C.J., was absent and did not participate.

**S126783**

A104466 First Appellate District,  
Division Four

ST. HELENA, CITY OF v. P.U.C. (NAPA VALLEY  
WINE TRAIN, INC.)

Petition for review denied

George, C.J., was absent and did not participate.

**S126824**

D041577 Fourth Appellate District,  
Division One

CATTIVERA v. WELLS FARGO HOME MORTG.

Petition for review denied

George, C.J., was absent and did not participate.  
Baxter, J., was recused and did not participate.

**S126861**

G031069 Fourth Appellate District,  
Division Three

LEBRILLA v. FARMERS GROUP INC.

Petition for review & depublication request denied

George, C.J., was absent and did not participate.

**S126862**

H026143 Sixth Appellate District

CARCHEDI v. SAFEWAY INC.

Petition for review denied

George, C.J., was absent and did not participate.

**S126863**

B166513 Second Appellate District,  
Division One

PEOPLE v. BURGOS

Petition for review denied

Petition for review denied without prejudice to

any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_ S.Ct. 2531, on California law. George, C.J., was absent and did not participate.

**S126920**

G030802 Fourth Appellate District,  
Division Three

MAGGI v. S.C. (ALKOSSER)

Petition for review and application for stay denied

George, C.J., was absent and did not participate.

**S126922**

G032193 Fourth Appellate District,  
Division Three

PEOPLE v. DELGADO

Petition for review denied

George, C.J., was absent and did not participate.

**S126927**

C042273 Third Appellate District

PEOPLE v. FISHER

Petitions for review denied

George, C.J., was absent and did not participate.

**S126931**

B169153 Second Appellate District,  
Division Five

PEOPLE v. MOLINA

Petition for review denied

Kennard, J., is of the opinion the petition should be granted.

George, C.J., was absent and did not participate.

**S126935**

E033560 Fourth Appellate District,  
Division Two

PEOPLE v. COTE

Petition for review denied

George, C.J., was absent and did not participate.

**S126939**

A101997 First Appellate District,  
Division One

PEOPLE v. ALEXANDER

Petition for review denied

George, C.J., was absent and did not participate.



**S126941**

A104284 First Appellate District,  
Division Two

**PEOPLE v. CAMPBELL**

Petition for review denied

Kennard, J., is of the opinion the petition should  
be granted.

George, C.J., was absent and did not participate.

**S126942**

G031102 Fourth Appellate District,  
Division Three

**PEOPLE v. SAGASTUME**

Petition for review denied

George, C.J., was absent and did not participate.

**S127019**

E033480 Fourth Appellate District,  
Division Two

**PEOPLE v. LEWIS**

Petitions for review denied

George, C.J., was absent and did not participate.

**S127067**

D041970 Fourth Appellate District,  
Division One

**PEOPLE v. CANOLE**

Petition for review denied

George, C.J., was absent and did not participate.

**S127069**

A106264 First Appellate District,  
Division Four

**PEOPLE v. S.C. (JOHNSON)**

Petition for review denied

George, C.J., was absent and did not participate.

**S127074**

C043352 Third Appellate District

**BAXTER HEALTHCARE v. DENTON**

Petition for review denied

George, C.J., was absent and did not participate.

**S127077**

D042403 Fourth Appellate District,  
D042787 Division One  
D043040

**E. (MIGUEL), IN RE**

Petition for review & depublication request denied

George, C.J., was absent and did not participate.

**S127082**

A104425 First Appellate District,  
Division One

**B. (RICHARD), IN RE**

Petition for review denied

George, C.J., was absent and did not participate.

**S127136**  
C042810 Third Appellate District

FINN v. ELROD  
Petition for review denied

George, C.J., was absent and did not participate.

**S127218**  
F044322 Fifth Appellate District

N. (BRIAN), IN RE  
Petition for review denied

George, C.J., was absent and did not participate.  
Kennard, J., is of the opinion the petition should be granted.

**S127254**  
G033196 Fourth Appellate District,  
Division Three

R. (EMILIA), IN RE  
Petition for review denied

George, C.J., was absent and did not participate.

**S127256**  
C043306 Third Appellate District

SMITH v. GOVERNING BOARD OF THE ELK  
GROVE UNIFIED SCHOOL DIST.  
Petition for review & depublication requests denied

George, C.J., was absent and did not participate.

**S127264**  
E033110 Fourth Appellate District,  
Division Two

TRAVELERS CASUALTY & SURETY CO. v.  
TRANSCONTINENTAL INSURANCE CO.  
Petition for review denied; CA opinion published

The request for an order directing publication of the opinion is granted. As recommended by the Court of Appeal, the Reporter of Decisions is directed to publish the Court of Appeal opinion in the above-entitled matter in the Official Reports. (Cal. Rules of Court, rule 978(c).)

George, C.J., was recused and did not participate.

**S127267**  
C045112 Third Appellate District

PEOPLE v. FLORES  
Petition for review denied

George, C.J., was absent and did not participate.

**S127270**

D042257 Fourth Appellate District,  
Division One

PEOPLE v. RIDER

Petition for review denied

George, C.J., was absent and did not participate.

**S127272**

E034331 Fourth Appellate District,  
Division Two

PEOPLE v. LEE

Petition for review denied

George, C.J., was absent and did not participate.

**S127276**

E033872 Fourth Appellate District,  
Division Two

PEOPLE v. MOORE

Petition for review denied

George, C.J., was absent and did not participate.

**S127288**

A102507 First Appellate District,  
Division Four

PEOPLE v. VICKS

Petition for review denied

George, C.J., was absent and did not participate.

**S127294**

E034298 Fourth Appellate District,  
Division Two

PEOPLE v. BUTLER

Petition for review denied

George, C.J., was absent and did not participate.

**S127296**

A099986 First Appellate District,  
Division Five

PEOPLE v. HUMPHREYS

Petition for review denied

George, C.J., was absent and did not participate.

**S127298**

D044568 Fourth Appellate District,  
Division One

JUDGE v. HATCH

Petition for review denied

George, C.J., was absent and did not participate.

**S127303**

A107382 First Appellate District,  
Division Three

CROSS v. S.C. (GERRY)

Petition for review denied

George, C.J., was absent and did not participate.

**S127305**  
E034554 Fourth Appellate District,  
Division Two

PEOPLE v. GARNER  
Petition for review denied

George, C.J., was absent and did not participate.

**S127308**  
F043216 Fifth Appellate District

PEOPLE v. SLAGLE  
Petition for review denied

George, C.J., was absent and did not participate.

**S127312**  
A101351 First Appellate District,  
Division One

PEOPLE v. CROSS  
Petition for review denied

George, C.J., was absent and did not participate.

**S127313**  
G031525 Fourth Appellate District,  
Division Three

NELSON v. DAVIS  
Petition for review denied

George, C.J., was absent and did not participate.

**S127314**  
H026387 Sixth Appellate District

PEOPLE v. MONK  
Petition for review denied

George, C.J., was absent and did not participate.

**S127320**  
F042318 Fifth Appellate District

KING v. REDDEN  
Petition for review denied

George, C.J., was absent and did not participate.

**S127324**  
B166785 Second Appellate District,  
Division Two

PEOPLE v. PONCE  
Petition for review denied

George, C.J., was absent and did not participate.

**S127326**  
B169065 Second Appellate District,  
Division Five

PEOPLE v. PRECIADO  
Petition for review denied

George, C.J., was absent and did not participate.

**S127329**  
C044389 Third Appellate District

PEOPLE v. RODRIGUEZ-GONSALEZ  
Petition for review denied

George, C.J., was absent and did not participate.

**S127333**  
H025719 Sixth Appellate District

PEOPLE v. AMERICAN CONTRACTORS  
INDEMNITY CO.  
Petition for review denied

George, C.J., was absent and did not participate.

**S127334**  
B169835 Second Appellate District,  
Division One

PEOPLE v. PAYNE  
Petition for review denied

George, C.J., was absent and did not participate.

**S127340**  
F043434 Fifth Appellate District

PEOPLE v. WHITE  
Petition for review denied

George, C.J., was absent and did not participate.

**S127341**  
A100943 First Appellate District,  
Division Two

PEOPLE v. FRANKLIN  
Petition for review denied

George, C.J., was absent and did not participate.

**S127348**  
B167407 Second Appellate District,  
Division Three

PEOPLE v. OMOYELE  
Petition for review denied

George, C.J., was absent and did not participate.

**S127350**  
B167078 Second Appellate District,  
Division Three

PEOPLE v. SANCHEZ  
Petition for review denied

George, C.J., was absent and did not participate.

**S127355**  
D043102 Fourth Appellate District,  
Division One

M. (DAVID), IN RE  
Petition for review denied

George, C.J., was absent and did not participate.

**S127359**  
F042681 Fifth Appellate District

PEOPLE v. BARNARD  
Petition for review denied

Petition for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ S.Ct. 2531, on California law. George, C.J., was absent and did not participate.

**S127361**  
F043020 Fifth Appellate District

PEOPLE v. LAWLESS  
Petition for review denied

George, C.J., was absent and did not participate.

**S127365**  
B168395 Second Appellate District,  
Division Five

PEOPLE v. LLOYD  
Petition for review denied

George, C.J., was absent and did not participate.

**S127366**  
G032470 Fourth Appellate District,  
Division Three

PEOPLE v. SOLIS  
Petition for review denied

George, C.J., was absent and did not participate.

**S127367**  
F044135 Fifth Appellate District

PEOPLE v. GRIJALVA  
Petition for review denied

George, C.J., was absent and did not participate.

**S127368**  
E033633 Fourth Appellate District,  
Division Two

PEOPLE v. DIAZ  
Petition for review denied

George, C.J., was absent and did not participate.

**S127370**  
B169044 Second Appellate District,  
Division Five

PEOPLE v. SOLARIO  
Petition for review denied

George, C.J., was absent and did not participate.

**S127374**  
B171164 Second Appellate District,  
Division Three

PEOPLE v. HOY  
Petition for review denied

George, C.J., was absent and did not participate.

**S127378**  
B164664 Second Appellate District,  
Division Six

PEOPLE v. DACAYANA  
Petition for review denied

George, C.J., was absent and did not participate.

**S127381**  
B167555 Second Appellate District,  
Division Four

PEOPLE v. TALKACZ  
Petition for review denied

George, C.J., was absent and did not participate.

**S127384**  
B164925 Second Appellate District,  
Division Three

PEOPLE v. PRITCHETT  
Petition for review denied

George, C.J., was absent and did not participate.

**S127388**  
A098366 First Appellate District,  
Division Four

PEOPLE v. DEWEESE  
Petitions for review denied

Petitions for review denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_\_ U.S. \_\_\_ S.Ct. 2531, on California law.  
George, C.J., was absent and did not participate.

**S127394**  
E033714 Fourth Appellate District,  
Division Two

PEOPLE v. JOHNSON  
Petition for review denied

George, C.J., was absent and did not participate.

**S127400**  
F042216 Fifth Appellate District

PEOPLE v. JUAREZ  
Petition for review denied

George, C.J., was absent and did not participate.

**S127402**  
A102397 First Appellate District,  
Division Four

PEOPLE v. FRIEDMAN  
Petition for review denied

George, C.J., was absent and did not participate.

**S127411**  
A101025 First Appellate District,  
Division Three

PEOPLE v. TORRES  
Petition for review denied

George, C.J., was absent and did not participate.

**S127412**  
B168275 Second Appellate District,  
Division One

ASHANTI v. BOWMAN  
Petition for review denied

George, C.J., was absent and did not participate.

**S127415**  
H026025 Sixth Appellate District

PEOPLE v. VALERA  
Petition for review denied

George, C.J., was absent and did not participate.

**S127419**  
B168674 Second Appellate District,  
Division Two

PEOPLE v. GARCIA  
Petition for review denied

George, C.J., was absent and did not participate.

**S127422**  
B164206 Second Appellate District,  
Division Three

PEOPLE v. VASQUEZ  
Petition for review denied

George, C.J., was absent and did not participate.

**S127424**  
B167682 Second Appellate District,  
Division Four

PEOPLE v. BAYARDO  
Petition for review denied

George, C.J., was absent and did not participate.

**S127430**  
B167739 Second Appellate District,  
Division Seven

NILCHIAN v. N.E.C. DEVELOPMENT CO.  
Petition for review denied

George, C.J., was absent and did not participate.



**S127435**  
A101272 First Appellate District,  
Division Four

PEOPLE v. DUNN  
Petition for review denied

George, C.J., was absent and did not participate.

**S127437**  
C045701 Third Appellate District

PEOPLE v. WOMACK  
Petition for review denied

George, C.J., was absent and did not participate.

**S127451**  
B172329 Second Appellate District,  
Division Five

HARDGROVE v. SOUTHERN CALIF EDISON CO.  
Petition for review denied

George, C.J., was absent and did not participate.

**S127462**  
B169848 Second Appellate District,  
Division Eight

PEOPLE v. DIAZ  
Petition for review denied

George, C.J., was absent and did not participate.

**S127473**  
A107421 First Appellate District,  
Division Three

CALIHAN v. S.C. (PEOPLE)  
Petition for review denied

George, C.J., was absent and did not participate.

**S127486**  
C044668 Third Appellate District

PEOPLE v. PARKER  
Petition for review denied

George, C.J., was absent and did not participate.

**S127496**  
B167809 Second Appellate District,  
Division Five

HOOD v. BAX GLOBAL, INC.  
Petition for review denied

George, C.J., was absent and did not participate.

**S127554**  
B169671 Second Appellate District,  
Division Four

SHOYINKA v. CITY OF SANTA MONICA  
Petition for review denied

George, C.J., was absent and did not participate.

**S127790**

GUZMAN v. S.C. (PEOPLE)

Petition for writ of mandate/prohibition & stay denied

Kennard, J., is of the opinion the petition should be granted.

George, C.J., was absent and did not participate.

**S127799**

STEELE v. S.C. (DEPT OF CORRECTIONS)

Petition for writ of mandate/prohibition denied

The “petition for writ of mandamus ordering post-conviction discovery under Penal Code § 1054.9,” filed in this court on September 10, 2004, should ordinarily have been filed first in the Court of Appeal. (*In re Steele* (2004) 32 Cal.4th 682, 692.) However, under the circumstances, this court will consider this particular petition because it presents the same questions the court has already considered. (See *id.* at p. 693.) The petition is denied. (*Id.* at p. 701.)

George, C.J., was absent and did not participate.

**S120600**

MONGER (STEVEN) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S120608**

BENSON (FRANK) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S120762**

JOHNSON (ANGELO J.) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S120787**

MEJIA (JESUS A.) ON H.C.

Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S120793**

FLOYD (ANDRE RENE) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S120794**

GEORGIADES (KYRIACOS F.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S120795**

SHALLOWHORN (ALFRED) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)  
George, C.J., was absent and did not participate.

**S120796**

GARCIA (JOSE F.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)  
George, C.J., was absent and did not participate.

**S120809**

WILLIAMS (DARRELL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)  
George, C.J., was absent and did not participate.

**S120810**

VIENGVILAI (PLAO) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S120837**

TREXLER (JAMES STEVEN) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S120849**

SAMPSON (PATRICK D.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S120881**

WILLIAMS (WILBUR) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S120891**

MENDEZ (JOE) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S120922**

GIBSON (CLARENCE A.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S120940**

JACKSON (STEVEN CLAY) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S120984**

DOWELL (DAVID) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121031**

KEMP (JOHNNIE) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121054**

MCVAY (DAVID H.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121058**

MORGAN (WILLIAM) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121060**

B170502 Second Appellate District,  
Division One

MILLER (RICHARD) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Wessley W.* (1981) 125 Cal.App.3d 240, 246; *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Miller* (1941) 17 Cal.2d 734.)

George, C.J., was absent and did not participate.

**S121083**

MONTANO (MAURICIO) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)

George, C.J., was absent and did not participate.

**S121090**

LUJAN (MICHAEL A.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121107**

FOSSELMAN (LORENZO) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121126**

JOHNSON (CHRISTOPHER M.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

George, C.J., was absent and did not participate.

**S121136**

HINTZ (RAYMOND) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Waltreus* (1965) 62 Cal.2d 218; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

George, C.J., was absent and did not participate.

**S121142**

STUCKEY (PIERRE) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Wessley W.* (1981) 125 Cal.App.3d 240,  
246.)  
George, C.J., was absent and did not participate.

**S121146**

CARRASCO (RAYMOND) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121157**

JOHNSON (TARAY V.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121176**

LEMUS (FRANCISCO) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121186**

SHADEED (RASHAD M.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121206**

ABDELWAHAB (ABDELWAHAB M.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121226**

HARRISON (MARCUS) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re  
Miller* (1941) 17 Cal.2d 734.)  
George, C.J., was absent and did not participate.

**S121241**

SCOGGINS (DENNIS RAY) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121257**

SMITH (ANDY R.) ON H.C.  
Petition for writ of habeas corpus denied

on the merits and as late and successive. (See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750.)  
George, C.J., was absent and did not participate.

**S121262**

CELIS (RODOLFO C.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)  
George, C.J., was absent and did not participate.

**S121271**

DAVIS (ROD) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)  
George, C.J., was absent and did not participate.

**S121272**

DILLINGHAM (RICKY) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121274**

WELCH (EUGENE E.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Clark* (1993) 5 Cal.4th 750; *In re Wessley W.* (1981) 125 Cal.App.3d 240, 246.)  
George, C.J., was absent and did not participate.

**S121277**

BALLARD (ANTHONY) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474.)  
George, C.J., was absent and did not participate.

**S121285**

ORTIZ (GREGORIO R.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304;  
*People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Lindley* (1947) 29 Cal.2d 709; *In re Dixon* (1953) 41 Cal.2d 756.)  
George, C.J., was absent and did not participate.

**S121291**

FRYBURGER (ROBERT LEE) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121294**

PALMER (WILL MOSES) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121296**

PALMER (WILL MOSES) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)  
George, C.J., was absent and did not participate.

**S121312**

FRAZIER (ANTHONY L.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)  
George, C.J., was absent and did not participate.



**S121386**

LUJAN (MICHAEL A.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750.)  
George, C.J., was absent and did not participate.

**S121409**

WELCH (EUGENE E.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780;  
*In re Clark* (1993) 5 Cal.4th 750; *In re Wessley*  
*W.* (1981) 125 Cal.App.3d 240, 246.)  
George, C.J., was absent and did not participate.

**S121425**

WELCH (EUGENE) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121595**

GONZALES (ANTHONY R.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121621**

MOORE (JEROME) ON H.C.  
Petition for writ of habeas corpus denied

((See *In re Swain* (1949) 34 Cal.2d 300, 304; *In*  
*re Robbins* (1998) 18 Cal.4th 770, 780; *In re*  
*Dixon* (1953) 41 Cal.2d 756.)  
George, C.J., was absent and did not participate.

**S121624**

MCKINNEY (ALONZO) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re*  
*Robbins* (1998) 18 Cal.4th 770, 780; *In re*  
*Swain* (1949) 34 Cal.2d 300, 304.)  
George, C.J., was absent and did not participate.

**S121685**

RODRIGUEZ (MARCO A.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921.)  
George, C.J., was absent and did not participate.

**S121974**

LANGILL (DOUGLAS) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S121977**

BULLOCK (CARL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Lindley* (1947) 29 Cal.2d 709.)  
George, C.J., was absent and did not participate.

**S122009**

SHALLOWHORN (ALFRED E.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)  
George, C.J., was absent and did not participate.

**S122135**

BULLOCK (CARL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Miller* (1941) 17 Cal.2d 734; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Lindley* (1947) 29 Cal.2d 709.)  
George, C.J., was absent and did not participate.

**S123348**

ORTIZ (GREGORIO R.) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v.*

*Duvall* (1995) 9 Cal.4th 464, 474; *In re Dixon* (1953) 41 Cal.2d 756.)  
George, C.J., was absent and did not participate.

**S123508**

PALMER (WILL M.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S123533**

GARCIA (CARLOS MANUEL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)  
George, C.J., was absent and did not participate.

**S124266**

LYONS (DARYL) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Dexter* (1979) 25 Cal.3d 921.)  
George, C.J., was absent and did not participate.

**S124368**

MCKINNEY (ALONZO) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304.)  
George, C.J., was absent and did not participate.

**S124443**

LYONS (DARYL) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S124493**

MCKINNEY (ALONZO) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Dexter* (1979) 25 Cal.3d 921.)  
George, C.J., was absent and did not participate.

**S124973**

MCKENZIE (GUSTAVO) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756.)  
George, C.J., was absent and did not participate.

**S125360**

WINSTEAD (LONNIE E.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S125375**

GREEN (MICHAEL) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S126368**

SENATOR (BRUCE R.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S127063**

BRUCE (LONNIE) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S127120**

BROWN (RICHARD A.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S127269**

BURGESS (RYAN) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S127357**

DRURY (JAMES R.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S127568**

SILVA (DENNIS RANDOLPH) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dexter* (1979) 25 Cal.3d 921.)  
George, C.J., was absent and did not participate.

**S127607**

VASCO (ED) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S127609**

WALKER (HAROLD) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S127726**

PATE (JEFFREY A.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S127753**

LEYVA (FRANK) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S127778**

HOLDEN (SEYMOND) ON H.C.  
Petition for writ of habeas corpus denied

(See *In re Dixon* (1953) 41 Cal.2d 756; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Swain* (1949) 34 Cal.2d 300, 304.)  
George, C.J., was absent and did not participate.

**S127821**

ACEVEDO (DANNY C.) ON H.C.  
Petition for writ of habeas corpus denied

George, C.J., was absent and did not participate.

**S125116**  
G032277 Fourth Appellate District,  
Division Three

TANG v. GUTIERREZ  
Publication request denied (case closed)

George, C.J., was absent and did not participate.

**S125182**  
D042574 Fourth Appellate District,  
Division One

COLDWELL BANKER RESIDENTIAL  
BROKERAGE CO. v. S.C. (SALAZAR)  
Depublication request denied (case closed)

George, C.J., was absent and did not participate.

**S125770**  
F043967 Fifth Appellate District

BAKERSFIELD CITY SCHOOL DISTRICT v. S.C.  
(BAKERSFIELD CALIFORNIA)  
Depublication request denied (case closed)

George, C.J., was absent and did not participate.  
Baxter, J., was recused and did not participate.

**S126226**  
D042334 Fourth Appellate District,  
Division One

SALIENT NETWORKS v. JONES  
Publication request denied (case closed)

George, C.J., was absent and did not participate.

**S126312**  
D041517 Fourth Appellate District,  
Division One

PADRES, L.P. v. HENDERSON  
Publication request denied (case closed)

George, C.J., was absent and did not participate.

**S056765**

PEOPLE v. PARSON (RICHARD R.)  
Extension of time granted

to November 30, 2004 to file appellant's  
opening brief.

**S029453**

PEOPLE v. ROYBAL (RUDOLPH J.)  
Orders filed (2)

(1) Good cause appearing, the application of  
appointed associate counsel, Russell S.  
Babcock, for permission to withdraw as attorney

of record for condemned inmate Rudolph Jose Roybal, filed July 1, 2004, is granted.

The order appointing Russell S. Babcock as associate counsel of record for condemned inmate Rudolph Jose Roybal, filed December 12, 2001, is hereby vacated.

On the court's own motion, the order appointing Elizabeth A. Barranco as lead counsel of record for condemned inmate Rudolph Jose Roybal, filed December 12, 2001, is hereby vacated, and Barranco is hereby referred to the State Bar of California for appropriate disciplinary proceedings in light of her abandonment of her condemned client.

John Lanahan and Elizabeth A. Missakian are hereby appointed as attorneys of record for condemned prisoner Rudolph Jose Roybal, the former as lead counsel and the latter as associate counsel. Counsel are appointed for purposes of all postconviction proceedings in this court, and for subsequent proceedings, including the preparation and filing of a petition for clemency with the Governor of California, as appropriate.

Any "petition for writ of habeas corpus will be presumed to be filed without substantial delay if it is filed . . . within 24 months" of this date (Supreme Ct. Policies Regarding Cases Arising From Judgments of Death, policy 3, timeliness std. 1-1.1), and it will be presumed that any successive petition filed within that period is justified or excused (see *In re Clark* (1993) 5 Cal.4th 750, 774-782), in light of associate counsel Babcock's declaration, in support of his motion to withdraw, to the effect that he and lead counsel Barranco were unable to discharge their duty to investigate and, if appropriate, present a habeas corpus petition on behalf of condemned inmate Rudolph Jose Roybal.

Barranco and Babcock are each directed to deliver to Lanahan or Missakian, within 30 days from the filing of this order, the entire case file relating to condemned inmate Rudolph Jose Roybal's capital appeal and related habeas corpus/executive clemency proceedings currently in their possession, including, but not limited to, all habeas corpus investigation work

product, trial files, trial transcripts, and investigation reports, copies of all documents filed in this court, and all related materials that they have obtained from Roybal or his trial counsel, prior appellate/habeas corpus counsel, legal assistants, paralegals, experts and investigators, or from any other source.

George, C.J., was absent and did not participate.

- (2) In conjunction with the order filed this day vacating the appointment of Elizabeth A. Barranco as lead counsel of record for condemned inmate Rudolph Jose Roybal, Barranco is ordered to reimburse this court the sum of \$20,250, subject to her ability to demonstrate to the court that she should be credited, as appropriate, for habeas corpus “work performed that is determined by the court to be of value to the court.” (See “Guidelines for Fixed Fee Appointments, on Optional Basis, to Automatic Appeals and Related Habeas Corpus Proceedings in the California Supreme Court,” guideline 11 [“Court Action Upon Nonperformance of Work, and Reimbursement of Fees Upon Authorized Withdrawal of Appointed Counsel”], subpt. B.)

George, C.J., was absent and did not participate.

**S048543**

PEOPLE v. ROUNTREE (CHARLES F.)  
Withdrawal of counsel allowed by order

Good cause appearing, the application of appointed counsel for permission to withdraw as attorney of record for appellant Charles F. Rountree, filed August 10, 2004, is granted.

The order appointing the State Public Defender as counsel of record for appellant Charles F. Rountree, filed November 30, 1999, is hereby vacated.

Peter Hensley is hereby appointed as counsel of record to represent appellant Charles F. Rountree for the direct appeal in the above automatic appeal now pending in this court.

George, C.J., was absent and did not participate.



**S057242**

PEOPLE v. SPENCER (CHRISTOPHER A.)  
Record augmentation denied

Appellant's "Motion to Augment The Record on Appeal and Request for Delay of Certification of The Record Pending Certification of Record in Codefendants' Cases," filed on August 9, 2004, is denied.

George, C.J., was absent and did not participate.

**S023835**

PEOPLE v. MORRISON (JESSE)  
Request denied

Defendant's "Application for an Order Permitting the Filing of Supplemental Letter Brief re: *Blakely*," filed on September 24, 2004, is denied without prejudice to any relief to which defendant might be entitled after this court determines in *People v. Black*, S126182, and *People v. Towne*, S125677, the effect of *Blakely v. Washington* (2004) \_\_ U.S. \_\_, 124 S.Ct. 2531, on California law.

George, C.J., was absent and did not participate.

**S073596**

PEOPLE v. LANCASTER (ANDREW)  
Order filed

Appellant's "Application to File Portion of Appellant's Opening Brief (Claim XX) Under Seal," filed on September 10, 2004, is granted.

George, C.J., was absent and did not participate.

**S119897**

B149092 Second Appellate District,  
Division Three

COALITION OF CONCERNED COMMUNITIES v.  
CITY OF LOS ANGELES (CATELLUS)  
Request for judicial notice granted

The requests for judicial notice of plaintiffs and appellants Coalition of Concerned Communities, et al., filed March 1, 2004, of defendant and respondent City of Los Angeles, filed April 27, 2004, and of real party in interest Catellus Residential Group, filed May 3, 2004, are granted.

**S108587**

IN THE MATTER OF THE SUSPENSION OF  
ATTORNEYS PURSUANT TO RULE 962,  
CALIFORNIA RULES OF COURT

**STEVEN H. HERTZ, #153971**, was listed by the State Department of Child Support Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate local Child Support agency. He has subsequently been identified by the Department of Child Support Services as again being delinquent. Pursuant to Rule 962(a) of the California Rules of Court, IT IS HEREBY ORDERED that **STEVEN H. HERTZ**, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after **October 29, 2004**.

IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate local Child Support agency pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

**S128145**

IN THE MATTER OF THE RESIGNATION  
OF JERRY SOLOMON BERGER, A MEMBER  
OF THE STATE BAR OF CALIFORNIA

Resignation accepted with disc. proceeding pending

The voluntary resignation of **JERRY SOLOMON BERGER, State Bar No. 50107**, as a member of the State Bar of California is accepted without prejudice to further proceedings in any disciplinary proceeding

pending against respondent should he hereafter seek reinstatement. It is ordered that he comply with rule 955 of the California Rules of Court and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is filed.\* Costs are awarded to the State Bar.

\*(See Bus. & Prof. Code, § 6126, subd. (c).)